



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TJR  
Docket No: 5261-00  
31 January 2001

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 23 January 2001. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 15 January 1968 at the age of 18. Your record reflects that you served for a year without incident but on 17 January 1969 you received nonjudicial punishment (NJP) for making a false official statement. The punishment imposed was restriction and extra duty for 14 days and a \$20 forfeiture of pay. On 19 May 1969 you were convicted by summary court-martial (SCM) of theft and were sentenced to a \$25 forfeiture of pay and hard labor for 45 days. On 30 October 1969 you received NJP for absence from your appointed place of duty and disobedience and were awarded a \$35 forfeiture of pay and extra duty for two weeks.

Your record further reflects that on 12 January 1970 you received NJP for drunk and disorderly conduct and assault. The punishment imposed was restriction for two weeks and a \$50 forfeiture of pay. On 18 April 1970 you were convicted by special court-martial (SPCM) of failure to obey a lawful order, assault with a dangerous weapon, and two specifications of communicating a threat. You were sentenced to confinement at hard labor for four months, a \$300 forfeiture of pay, reduction to paygrade E-1, and

a bad conduct discharge (BCD). On 7 August 1970 you submitted a written request for immediate execution of the BCD in which you stated that you could not adjust to military life. Subsequently the BCD was approved at all levels of review and ordered executed. On 8 January 1971 you received a BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, and your contentions that your misconduct was an act of self-defense and that you were suffering from post traumatic stress disorder (PTSD). However, the Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge given the serious nature of your frequent misconduct, which resulted in three NJPs and two court-martial convictions. Further, there is no evidence in the record, and you submitted none, to support your contentions. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director